

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

VICTIM RIGHTS LAW CENTER, et al.,

Plaintiffs,

v.

U.S. DEPARTMENT OF EDUCATION,
et al.,

Defendants.

Civil Action No. 25-11042-MJJ

**ASSENTED TO MOTION TO STAY DEFENDANTS' DEADLINE
TO FILE A RESPONSE TO THE COMPLAINT AND FOR A ONE-DAY EXTENSION
OF THE COMPLIANCE STATUS REPORT DEADLINE**

Defendants hereby move to stay their June 27, 2025 deadline to file a response to the Complaint in this lawsuit pending the outcome of the Government's appeal in *State of New York v. McMahon*, No. 25-cv-10601-MJJ (D. Mass.) ("*State of New York*"). Defendants also move to extend the deadline to file status reports describing compliance with the preliminary injunction in this case by one day to make them due on recurring Tuesdays, which would align the status reports in this case with the status reports being filed in *State of New York*. As relevant to this motion, Defendants state:

1. Plaintiffs' Complaint was filed on April 21, 2025. ECF No. 1. Because service was completed on the U.S. Attorney's Office on April 28, 2025, *see* ECF No. 16, Defendants' deadline to file an Answer or to otherwise respond to the Complaint is currently June 27, 2025. *See* Fed. R. Civ. P. 12(a)(2). The Complaint challenges reductions-in-force at the Department of Education's Office for Civil Rights.

2. On May 2, 2025, Plaintiffs filed a motion for a preliminary injunction. ECF No.

18. The Court granted the preliminary injunction on June 18, 2025. ECF No. 40.

3. In *State of New York and Somerville Public Schools v. Trump*, No. 25-cv-10677-MJJ (D. Mass.), which has since been consolidated with *State of New York*, the Court granted preliminary injunctions enjoining reductions-in-force at the Department of Education. See *State of New York*, ECF No. 128; *Somerville Public Schools*, ECF No. 45.

4. Defendants filed an appeal with the First Circuit and moved for a stay of the Court's preliminary injunction. See *State of New York v. McMahon*, Nos. 25-1495, 25-1500 (1st Cir.). The First Circuit denied a stay of the preliminary injunction, and the parties are in the process of briefing the appeal in the First Circuit.

5. Defendants also filed a request for a stay with the Supreme Court. *McMahon, et al. v. State of New York, et al.*, No. 24A1203 (U.S. filed June 6, 2025). The issues presented by the emergency stay application are, among others, whether Plaintiffs have standing to bring their suit and whether the Civil Service Reform Act precludes jurisdiction over their claims.

6. The First Circuit has not yet issued a decision on the appeal, and the Supreme Court has not yet issued a decision on Defendants' stay application. Given the issues on appeal, both the First Circuit's forthcoming decision on the appeal of the preliminary injunction and the Supreme Court's forthcoming decision on Defendants' stay application could significantly impact this litigation; at minimum, it would give the parties guidance on how to proceed. Because any such decision may implicate future proceedings in this case, and given the press of other litigation matters, Defendants seek a stay of the deadline for them to respond to Plaintiffs' Complaint until the sooner of either (1) 14 days after the preliminary injunctions in *State of New York* and *Somerville Public Schools* are dissolved, modified, or stayed in whole or in part, or (2) 14 days after either the time to seek certiorari expires in the consolidated appeal in *State of New York v.*

McMahon or the Supreme Court's disposition of any proceedings resulting from any petition filed in that consolidated case, with the parties to submit a status report with a proposal for further proceedings within 7 days of either of the above events taking place.

7. In the related case of *State of New York*, the Court ordered Defendants to file weekly status reports describing their compliance with the Court's preliminary injunction in that case. Those status reports are currently due every Tuesday.

8. In this case, the Court also ordered Defendants to file weekly status reports describing their compliance with the Court's preliminary injunction. These status reports are currently due every Monday.

9. The Department of Education's compliance steps with the Court's preliminary injunctions in *State of New York* and this case significantly overlap. To preserve resources and simplify the process to submit status reports, Defendants seek a one-day extension of their status report deadline in this case, so that future status reports will be due on Tuesdays.

10. Plaintiffs, through counsel, have stated that they consent to the relief requested in this motion.

11. This request is not made for purposes of delay, and no party will be prejudiced by the relief requested herein, particularly because Plaintiffs have consented to the relief Defendants are seeking and are currently protected by the Court's preliminary injunction.

12. Accordingly, Defendants request a stay of the response deadline until the sooner of either (1) 14 days after the preliminary injunctions in *State of New York* and *Somerville Public Schools* are dissolved, modified, or stayed in whole or in part, or (2) 14 days after either the time to seek certiorari expires in the consolidated appeal in *State of New York* or the Supreme Court's disposition of any proceedings resulting from any petition filed in that consolidated case, with the

parties to submit a status report for further proceedings within 7 days of either of the above events taking place. Defendants also request a one-day extension of their status report deadline in this case, from Monday, June 30 until Tuesday, July 1, with status reports to be filed every week thereafter.

Dated: June 26, 2025

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Attorneys for Defendants

LOCAL RULE 7.1 CERTIFICATION

I hereby certify that I conferred with counsel for the Plaintiffs and that the parties were able to resolve the issues presented by this motion.

Dated: June 26, 2025

/s/ Michael Bruns
MICHAEL BRUNS
Trial Attorney

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the CM/ECF system will be sent electronically to the registered participants.

Dated: June 26, 2025

/s/ Michael Bruns
Michael Bruns
Trial Attorney

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[PROPOSED] ORDER

Upon consideration of Defendants' Assented-To Motion to Stay Defendants' Deadline to File a Response to the Complaint and for a One-Day Extension of the Compliance Status Report Deadline, it is this _____ day of _____ 2025:

ORDERED that the same be, and hereby is, **GRANTED**;

ORDERED that Defendants' deadline to respond to the Complaint shall be **STAYED** until the sooner of either (1) 14 days after the preliminary injunctions in *State of New York v. McMahon*, No. 25-cv-10601-MJJ (D. Mass.) and *Somerville Public Schools v. Trump*, No. 25-cv-10677 (D. Mass.) are dissolved, modified, or stayed in whole or in part, or (2) 14 days after either the time to seek certiorari expires in the consolidated appeal in *State of New York v. McMahon* or the Supreme Court's disposition of any proceedings resulting from any petition filed in that consolidated case, with the parties to submit a status report for further proceedings within 7 days of either of the above events taking place; and

ORDERED that Defendants' deadline to submit status reports regarding compliance with the preliminary injunction in this case shall be, and hereby is, **EXTENDED** by 1 day from

Monday, June 30 until Tuesday, July 1, 2025, and that future status reports shall be filed every week thereafter.

Myong J. Joun
United States District Judge